

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW JERSEY**

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DANIEL W. BEHRMANN, :  
Plaintiff, : Civil Action No. 04-2242 (JAG)  
v. :  
DAVID BEHRENS, et al., :  
Defendants. :  
:

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**ORDER**

**CLOSED**

**GREENAWAY, JR., U.S.D.J.**

This matter comes before this Court on the motion of defendants, David Behrens, Matthew Murray, and Todd Hammonds (collectively, "Defendants"), to dismiss (Docket Entry No. 23) the complaint for failure to comply with the Court's Orders of March 24, 2005 and June 1, 2005, and Magistrate Judge Madeline Cox Arleo having issued a Report and Recommendation ("R&R"), pursuant to FED. R. CIV. P. 72(b) and L. CIV. R. 72.1(a)(2), wherein she recommended that this Court grant Defendants' motion to dismiss; and said R&R having been filed on December 5, 2005; and the time within which to object to the R&R having expired; and no objection having been made by either party; and it appearing that a magistrate judge's recommended disposition of a dispositive motion is subject to de novo review, In re U.S. Healthcare, 159 F.3d 142, 145-46 (3d Cir. 1998); Temptations, Inc. v. Wager, 26 F. Supp. 2d 740, 743 (D.N.J. 1998); see also FED. R. CIV. P. 72(b); and this Court having reviewed the parties' submissions and the R&R under the appropriate de novo

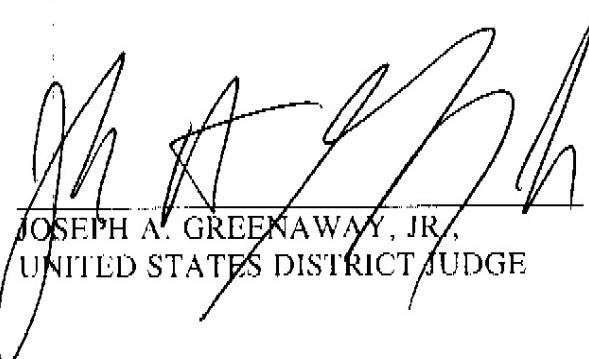
standard; and good cause appearing,

IT IS on this 31<sup>st</sup> day of January, 2006,

ORDERED that Magistrate Judge Arleo's R&R is adopted as the opinion of the Court;  
and

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss (Docket Entry No.  
23) is GRANTED; and

IT IS FURTHER ORDERED that a copy of this Order be served on all parties within  
seven (7) days of the date of this Order.



JOSEPH A. GREENAWAY, JR.,  
UNITED STATES DISTRICT JUDGE